

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

|                              |   |                           |
|------------------------------|---|---------------------------|
| EARL SMITH,                  | ) |                           |
|                              | ) |                           |
| Plaintiff,                   | ) | Case No.:                 |
|                              | ) |                           |
| vs.                          | ) | PLAINTIFF'S COMPLAINT     |
|                              | ) | AND DEMAND FOR JURY TRIAL |
| NCO FINANCIAL SYSTEMS, INC., | ) |                           |
|                              | ) |                           |
| Defendant.                   | ) |                           |

VERIFIED COMPLAINT

EARL SMITH, ("Plaintiff"), through the undersigned counsel, DAN HARTSTEIN, alleges the following against NCO FINANCIAL SYSTEMS, INC. ("Defendant"):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

3. Defendant conducts business in the state of New Jersey, and therefore, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. 1391(b)(1).

5. Declaratory relief is available pursuant to 28 U.S.C. 2201 and 2202.

PARTIES

6. Plaintiff is a natural person residing in Morristown, New Jersey.

7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).

8. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.

9. Defendant is a national company, with its corporate office located at: NCO Financial Systems, Inc., 507 Prudential Road, Horsham, PA 19044.

10. Defendant, in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

11. Defendant constantly and continuously places collection calls to Plaintiff seeking and demanding payment for the alleged debt.

12. Defendant calls Plaintiff from telephone number (240) 374-5441 seeking and demanding payment for the alleged debt.

13. Defendant has caused Plaintiff personal phone to ring and has engaged Plaintiff in telephone conversations repeatedly.

14. Defendant did not send Plaintiff a validation letter.

15. Defendant continued to call Plaintiff to contact an individual, named Ronald Corum, Jr.

COUNT I  
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

16. Defendant violated the FDCPA based on the following:

- a.) Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.
- b.) Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.
- c.) Defendant violated §1692c(a)(1) of the FDCPA by communicating with Plaintiff at such place and time known or which should have been known to be inconvenient to Plaintiff.
- d.) Defendant violated §1692b(2) of the FDCPA by stating that the Plaintiff owes a debt in communications with persons other than Plaintiff.
- e.) Defendant violated §1692b(3) of the FDCPA by contacting a person other than Plaintiff more than once in communications with persons other than Plaintiff.

WHEREFORE, Plaintiff, EARL SMITH, respectfully requests judgment be entered against Defendant, , for the following:

- a. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection Practices Act,
- b. Statutory damages pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
- c. Actual damages,

- d. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k
- e. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, EARL SMITH, demands a jury trial in this case.

This 29<sup>th</sup> day of March, 2012.

/s/ Daniel P. Hartstein

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